

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

J&A CONCRETE CORP.,

Plaintiff,

-vs-

DOBCO, INC. and ARCH INSURANCE  
COMPANY,

Defendants.

ARCH INSURANCE COMPANY,

Counterclaim Plaintiff,

-vs-

J&A CONCRETE CORP., 84  
MAIN STREET CORP.,  
MARTINS REAL ESTATE  
ENTRPRISES, LLC, MARTINS  
RENTAL CORP., J&A  
CONTRACTING CORP. OF  
NEW YORK, ANTONIO  
MARTINS, PATRICIA  
MARTINS, JONATHAN  
MARTINS, ELEANORE  
MARTINS, JOAO LOBATO,  
MARLENE LOBATO, THOMAS  
PERRI, VANESSA PERRI, JACK  
MARTINS, PAULA MARTINS,  
ESTATE OF ANTONIO  
MARTINS, GLORIA MARTINS,  
J&A CONCRETE PUMPING  
CORP., and 68-70 OCR CORP.

Counterclaim Defendants.

Case No.: 21-CV-11097

**Rule 502(d) Order**

**ORDER IMPLEMENTING FEDERAL RULE OF EVIDENCE 502(d)**

As set forth below, the joint motion is **GRANTED**.

1. This Order shall be applicable to and govern all deposition transcripts and/or

videotapes, and documents produced in response to requests for production of documents, answers to interrogatories, responses to requests for admissions, affidavits, declarations and all other information or material produced, made available for inspection, or otherwise submitted by any of the parties in this litigation as well as testimony adduced at trial or during any hearing (collectively “Information”).

2. The disclosure of privileged or work-product protected documents, electronically stored information (“ESI”) or Information, whether inadvertent or otherwise, is not a waiver of the privilege or protection from discovery in this case or in any other federal or state proceeding. This Order shall be interpreted to provide the maximum protection allowed by Federal Rule of Evidence 502(d).

3. Nothing contained herein is intended to or shall serve to limit a party’s right to conduct a review of documents, ESI or Information (including metadata) for relevance, responsiveness and/or segregation of privileged and/or protected Information before production.

Accordingly, it is hereby **ORDERED**:

The Joint Motion for Entry of a 502(d) Order is **GRANTED**.

Dated: April 11, 2022

Respectfully submitted,

s/ Paul J. Tuck

Paul J. Tuck, Esq.  
HARRIS BEACH PLLC  
677 Broadway, Suite 1101  
Albany, New York 12207

***Attorneys for Plaintiff J&A  
Concrete Corp. and  
Counterclaim Defendants.***

s/ Greg Trif

Greg Trif, Esq.  
TRIF & MODUGNO, LLC  
11 Broadway, Suite 615  
New York, New York 10004  
(917) 477-2999

***Attorneys for Defendant Dobco Inc.***

s/ Elliot Joffe

Elliott Joffe, Esq.  
BARON SAMSON LLP  
27 Horseneck Road, Suite 210  
Fairfield, NJ 07004

***Attorneys for  
Defendant/Counterclaim-Plaintiff  
Arch Insurance Company***

**SO ORDERED.**

Dated: April 11, 2022  
New York, New York

  
\_\_\_\_\_  
JAMES L. COTT  
United States Magistrate Judge